

Regina Ernst

5/18/2015

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3 1) MICHELLE ERNST as Personal
4 Representative of the Estate
deceased,

5 Plaintiff,

6 vs.

No. 14-CV-504-GKF-PJC

7 1) CREEK COUNTY PUBLIC
FACILITIES AUTHORITY,
8 2) ADVANCED CORRECTIONAL
HEALTHCARE, INC.,

9 Defendants.
10

11 DEPOSITION OF REGINA ERNST
Taken on Behalf of the Defendants
12 On May 18, 2015, beginning at 10:00 a.m.
13 In Tulsa, Oklahoma

14 APPEARANCES:

15 Appearing on behalf of the PLAINTIFF

16 Micky Walsh
Beeler, Walsh & Walsh
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19 -and-

20 Carla Stinnett
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24 (Appearances cont'd on next page)

25 Reported By: Becky C. Dame, CSR, RPR

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EXHIBIT 40

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1 WHEREUPON,

2 REGINA ERNST,

3 after having been first duly sworn, deposes and

4 says in reply to the questions propounded as

5 follows, to-wit:

6 DIRECT EXAMINATION

7 BY MR. McMILLIN:

8 Q Would you state your name for the record,
9 please?

10 A Regina Lee Ernst.

11 Q And, Ms. Ernst, where do you live?

12 A Spavinaw.

13 Q Where's that?

14 A Spavinaw.

15 Q What's the address?

16 A 

17 Q Where is Spavinaw?

18 A West of Salina.

19 Q And does anybody live there with you?

20 A Yes, sir.

21 Q Who also lives at that address?

22 A Scott Lee.

23 Q Anyone else?

24 A No.

25 Q And who is Scott Lee? How do you know

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1 do it?

2 A Hang his self.

3 Q Did Jeremy tell you what the response was
4 that he received from the jailer?

5 A No. There was no response.

6 Q You never called up there or talked to
7 anybody at the jail about David --

8 A Oh, yes.

9 Q Let me finish the question.

10 Did you ever talk to anybody at the jail
11 about any concern you had that David might commit
12 suicide?

13 A Yes, I did.

14 Q Who did you talk to?

15 A I spoke to Bob Burch, I spoke to nurses,
16 and Mr. Thompson.

17 Q Who is Mr. Thompson?

18 A He's in the sheriff's office. And I spoke
19 to a 911 operator.

20 Q Who's Burch?

21 A He's a lieutenant, I believe, at the jail.

22 Q And you said you spoke to a 911 officer --
23 or operator?

24 A Yes.

25 Q And when was that?

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1 A That would be right approximately before
2 the trial. Maybe a month before. Yeah. Yeah, it
3 was. It was in May.

4 Q May of 2014?

5 A Yes.

6 Q And you made a call from what number?
7 What phone? Your cellphone?

8 A Who?

9 Q To the 911 operator.

10 A No. I spoke to her in person. She works
11 in the jail.

12 Q Where does she work?

13 A In the jail.

14 Q I mean, what location? At the front --

15 A At the window. That's the 911 operators.

16 Q Okay. So about a month before his --
17 David's criminal trial, you spoke to somebody at the
18 jail behind the window?

19 A Yes.

20 Q What did you speak to them about?

21 A About David and his state of mind and
22 needing help.

23 Q So what did you say to her, the best you
24 can remember?

25 A I told her that, "No one will help him,

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1 and I don't know what to do. Can you please help
2 me? They will not help him. They won't do
3 anything."

4 And she gave me Mr. Thompson's number, and
5 I spoke to him.

6 Q Did she say anything else to you other
7 than giving you Mr. Thompson's number?

8 A No. She was very sympathetic.

9 Q And did you talk to Mr. Thompson?

10 A Yes, I did.

11 Q When did you talk to him?

12 A The very next day.

13 Q Was that in person?

14 A No. It was on the phone.

15 Q Was that from your cellphone?

16 A Yes.

17 Q What was your cellphone number?

18 A [REDACTED]

19 Q And has that been your -- is that still
20 your cellphone number?

21 A Yes, sir.

22 Q Have you had that cellphone during that
23 entire time that David was incarcerated, that same
24 phone?

25 A No. I had another number, but it was in

1 carrier? Do you know who that would be?

2 A No.

3 Q You didn't have a cellphone plan with any
4 phone carrier?

5 A No. Not then.

6 Q You just go to Wal-Mart and they give you
7 a card? You buy a card?

8 A You buy it. You buy it.

9 Q And you can buy additional minutes on that
10 card?

11 A Yes.

12 Q Other than those two phone numbers, did
13 you ever use any other phone to call up to the jail?

14 A No.

15 Q And the cellphone number that was David's
16 number, was that also used -- buy your card at
17 Wal-Mart or --

18 A No. That was US Cellular.

19 Q Okay. So you said sometime about a month
20 before the criminal trial, you talked to the lady at
21 the window at the jail, and she referred you to
22 Mr. Thompson?

23 A Yes.

24 Q And you called Mr. Thompson on the phone
25 about a day later. And did you just talk to him one

1 time?

2 A Before his death, yes.

3 Q And what -- what did you say to him and
4 what did he say to you?

5 A I told him that -- well, I was having
6 trouble with a nurse, and I told him about Burch
7 promising to get him help and not getting him help.

8 Q What trouble with a nurse are you talking
9 about?

10 A She didn't like it that I called up there.
11 She said, "Will you have her quit calling up here
12 ten times a day?" And she told me that whenever he
13 got in DOC, he could get his medication for free. I
14 was upset because I thought you were innocent until
15 proven guilty.

16 Q So do you know this nurse's name?

17 A She's deceased now.

18 Q Well, do you know her name?

19 A Chrissy -- Christi.

20 Q Anything else you said to Mr. Thompson?

21 A Not that I can remember.

22 Q What did he say to you?

23 A He said he'd see what he could do.

24 Q That's the last time you talked to him
25 before David's death?